

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

GM PHOTO, LLC, a New Jersey limited
liability company,

Plaintiff,

-against-

FOCUS CAMERA, INC., a New York
corporation, MICHAEL SILBERSTEIN, an
individual, and CHASSY KIRZNER, an
individual,

Defendants.

Case No. 1:22-cv-10339

**[PROPOSED] ORDER
TO SHOW CAUSE**

Upon reading and filing of the Complaint and accompanying Memorandum of Law of Plaintiff GM Photo, LLC ("**GM Photo**" or "**Plaintiff**") in Support of Motion for Preliminary Injunction and Affidavit of Gabriel Simony, sworn to on the 7th day of December, 2022 together with the exhibits annexed thereto, the ("**Supporting Papers**"), and upon all the proceedings to be had herein; and good and sufficient cause having been shown, it is hereby:

ORDERED, that the above-named defendants, Focus Camera, Inc., Michael Silberstein, and Chassy Kirzner ("**Defendants**") show cause in a hearing on _____ or as soon thereafter as counsel may be heard (the "**Preliminary Injunction Hearing**"), why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure, during the pendency of this action, enjoining Defendants, along with their

officers, agents, servants, employees, attorneys and all other persons who are in active concert or participation with them, from taking any of the following actions:

(1) making false counterfeit claims to Amazon or any other seller/marketplace regarding GM Photo; and

(2) taking any acts to shut down GM Photo's account on Amazon.

IT IS FURTHER ORDERED that expedited discovery is necessary for the Preliminary Injunction Hearing and GM Photo shall serve a copy of its *First Expedited Request for the Production of Documents* upon Defendants, whom shall respond on or before ____.

ORDERED that personal service of a copy of this order and Plaintiff's moving papers upon the Defendants or Defendants' counsel by federal express on or before December __, 2022, shall be deemed good and sufficient service thereof; and it is further

ORDERED, that answering papers be served on Robins Kaplan, 1325 Avenue of the Americas, Suite 2601, New York, NY 10019, with a copy by email to gberg@robinskaplan.com, and filed with the Court on or before 4:00 p.m. on the __ day of January, 2023, and that Plaintiff's reply papers be served on Defendants' counsel, with a copy by email, and filed with the Court on or before 4:00 p.m. on the __ day of January 2023.

The parties are directed to meet and confer and, by 12:00 p.m. noon on January __, 2023, file with the Court (1) a consolidated and bookmarked (to indicate exhibit numbers) pdf containing all of the exhibits to be relied upon for the hearing (cross-referenced to the submissions in which they were originally filed), and (2) a joint submission identifying the witnesses to be presented for cross-examination, the parties' agreed protocols for

presentation of testimony remotely, and the time proposed to be allocated for each witness, and the time proposed to be allocated for argument.

DATED: December __, 2022
New York, New York

UNITED STATES DISTRICT JUDGE